

O I P E  
AUG 11 2003  
PATENT & TRADEMARK OFFICE

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ashkenazi et al. Docket No.: 39780-1618P2C46  
Serial No.: 09/903,520 Group Art Unit: 1646  
Filing Date: July 11, 2001 Examiner: Andres, Janet L.  
For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

**TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

1. The owner, Genetech, Inc., having a principal place of business at 1 DNA Way, South San Francisco, California 94080, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application, and is also the owner of the entire right, title and interest in the invention disclosed in co-pending U.S. Application No. 09/904,877.

Genentech, Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Application No. 09/904,877. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: MS: No-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 7, 2003

*Cheryl Rogers*  
Cheryl Ann Rogers

08/13/2003 CNGUYEN 00000082 081641 09903520

01 FC:1814 110.00 DA

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer. In the event that it later is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321; has all claims canceled by a re-examination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

2. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

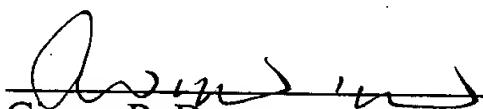
3. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

4. The undersigned is an attorney of record.

5. The Commissioner is authorized to charge fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39780-1618P2C46).

Respectfully submitted,

Date: August 7, 2003



Ginger R. Dreger  
Reg. No. 33,055

Heller Ehrman White & McAuliffe, LLP  
Customer No. 35489  
275 Middlefield Road  
Menlo Park, CA 94025  
Tel: 650/324-7000  
Fax: 650/324-0638